VPH

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION No. 204 OF 2007

Bhimrao K. Suryawanshi . . . Applicant

Vs.

The State of Maharashtra . . . Respondent

Mr. S. S. Pakale, Advocate for the applicant.

Mr. Y. S. Shinde, APP for the State.

CORAM : J.H. BHATIA, J.

DATE : FEBRUARY 9, 2007.

P.C.

. Heard Mr. Pakale, advocate for the applicant and Mr. Y. S. Shinde, learned APP for the State. Applicant seeks to be released on bail in Crime No. 119 of 2006 Umbraj Police Station, under S. 302, 498-A of I.P.Code.

2. Prosecution case in brief is that, deceased Suvarna was married to the present applicant about 10 months prior to the incident of this case. She was being harassed due to her failure to meet certain demands made by the applicant. On 12-7-2006 at 9.25 a.m. she was present by the side of the well, behind her house, for washing clothes. At that time accused was also there. Some children were also present nearby. Within short time, the accused shouted that she had fallen in the well. He himself jumped in the well, took her out from the well. As per the

story given by the accused, initially Suvarna had fallen in the well accidently and died due to drowning. However, post mortem report reveals that she had died due to throttling and not due to drowning. The statement of her father before the police reveals that she used to swim in the deep waters, and therefore, even if she had fallen accidently in the water, she could not die as she could swim. Taking into consideration the circumstantial evidence on record, prima facie it appears that is a case of murder. It will not be in the interest of justice to grant bail at this stage. Hence, the application stands rejected.

Sd/-
[J. H. BHATIA, J.]